

HEALTH FACILITY COMMITTEE MEETING
Cannon Health Building, Room 114
February 23, 2001, 9:00-1200

Members Present: Joyce Wanta; Timothy Thomas; Helen Rollins; Glade Bigler; Gayle Morawetz; and Kathleen Fitzgerald.

Staff Present: Joel Hoffman; Pennie Knudson; Wendee Pippy; Donna Riley; Karen Moffitt; Teddy Madsen; Bill Bonn; and Joan Isom.

Members Excused: Leora Medina; Lou Ann Jorgensen; Paul Clayton; Kathy Siskin; Steven Bateman; and Travis Jackman.

The meeting was called to order at 9:03.

1. **Welcome:**

Ms. Siskin, chairperson and Dr. Clayton, co-chair person were unable to attend this meeting so Ms. Rollins consented to chair the meeting. Ms. Rollins welcomed all of the members and guests. Ms. Wynkoop tele-conferenced for the first hour of the committee meeting. The two new health licensors, Teddy Madsen and Karen Moffitt were introduced to the committee. Lori West is also a new licensor, but was unable to attend this meeting.

2. **Change of Ownership Rule:**

Ms. Wynkoop explained that legal counsel had advised her that a change of ownership rule needed to be created describing the conditions constituting a change of ownership including definitions and the process, because the information that we had distributed as a handout may not be legally binding. Mr. Odendahl, Legal Counsel for the Department of Health, has been asked to draft the rule and start that process after which the rule will be brought back to the committee for their review and approval. Ms. Wynkoop asked for the committee's approval to for-go a sub-committee and allow Mr. Odendahl to draft the rule. Mr. Thomas made a motion to for-go a sub-committee and allow Mr. Odendahl to draft the rule. Ms. Morawetz seconded the motion. The **MOTION PASSED** unanimously.

3. **Application Modification:**

Ms. Wynkoop explained all of the changes that needed to be made to the application. They are: 1) Add Critical Care Access Hospital to type of facility

section; 2) Clarify the ownership section so that the Department knows who the owner is and deals with the correct person(s); 3) Deemed status is now available to more than just hospitals, so add that information; and 4) Add a section that says secured unit for the Assisted Living II's. Ms. Morawetz asked if the committee could have a current copy of the application so that they could familiarize themselves with the application. A copy of the application was provided to the committee at the meeting. Mr. Thomas asked if the proposed changes on the application could be mailed out to the committee members so that they could review the changes before the next meeting. Ms. Wynkoop asked the Health Facility Committee members to review the application and make any recommendations.

4. **Legislative Update:**

Ms. Wynkoop explained the bills, which the Department of Health had been tracking that would have an impact on the health care system in Utah. Ms. Morawetz asked about HB 185 concerning the Mammography Committee. Ms. Wynkoop explained that the Committee had been developed to monitor Mammographys and to develop uniformity, but in 1994 all the Mammographys were required to be nationally accredited by the American College of Radiologists and certified by the Food and Drug Administration. With the dissolution of the Mammography committee all rule changes for the Mammography unit will go through the Health Facility Committee.

Ms. Wynkoop asked if either Ms. Rollins or Mr. Bigler could attend the Legislative session today to speak on behalf of the Health Facility Committee on SB 178 (Health Care Directive). Mr. Bigler will review the bill to ensure there is protection for the health care provider following the directive.

5. **Ambulatory Surgical Center Rules:**

Ms. Wynkoop explained that this rule would be filed. She explained that Medicare passed a law stating that a certified Nurse anesthetist did not have to be supervised by an anesthesiologist, but the new administration has postponed implementation of this regulation. Ms. Wynkoop explained that the statute states that a "certified nurse anesthetist works at the request of a physician." Ms. Wynkoop stated that the Certified Nurse Anesthetist Association of Utah has asked for a public hearing on this rule because they are not in consensus with the proposed rule. She explained that a hearing will be held after the rule has been filed. Ms. Thraen asked whether the rule could be effective despite President Bush's postponing the implementation of the Medicare regulation. Ms. Wynkoop explained that the Medicare regulation states that "states can set their own rules for professional conduct and practice."

6. **Patient Safety:**

Dr. Williams stated that the Institute of Medicine has proposed two approaches to this problem. They are: 1) A Reporting System for significant patient injuries that

occur in hospitals, a facility patient safety program; and 2) Require all hospitals to have a patient safety program that addresses adverse drug events.

Dr. Williams stated that the Health Facility Committee would be responsible to determine the auditor that would audit the internal patient assurance process every three years to ensure that the hospital's adverse drug event process was doing what it says it should be doing. These audits would be paid for by the facility and the auditors would be chosen based on their ability to remain independent. Ms. Morawetz questioned how this process would work with the JCAHO process. Dr. Williams explained that the JCAHO has a voluntary sentinel event reporting system but that process is not working very well because it is voluntary. Dr. Williams explained that the committee had taken the JCAHO root cause analysis and put it in our rule. Now the hospital does not have to conduct two processes. The hospital will conduct the process that JCAHO recommends and when the JCAHO surveyor comes the state would observe this process to see if it was implemented. For those hospitals that are not JCAHO accredited, they would be under the same requirements. Dr. Williams explained that there are some concerns about confidentiality, but he is confident that the Health Department can protect the information. He hopes to be able to aggregate the information to see if there is a pattern of the same problem that could be rectified at the state level. Dr. Williams stated that the hospital lawyers would be at the next Patient Safety meeting and will review the proposed rules. Dr. Murray, Utah Hospital Association stated that there is a leapfrog group, which consists of 60 Fortune 500 companies that make decisions on purchasing health care for their companies only if the health care facilities meet the higher quality standard. He explained that this will be the trend of the future.

7. **S.A.G.E.:**

Mr. Bonn explained that Utah has formed a SAGE chapter, which stands for the Society for the Advancement of Gerontological Environments. Mr. Bonn explained that the Department of Health sponsored a design conference in September of last year and invited Mr. David Green, President of SAGE, to make a presentation on how design makes a difference in long term care. Mr. Green explained his project "Evergreen Retirement Center" in Wisconsin, is built in clusters of small units in a large facility. The family-like environment resulted in happier, healthier residents. Mr. Bonn explained that the goal of this SAGE chapter is to improve the quality of senior environments. Mr. Hoffman explained that the Bureau is supporting this effort and will keep the Health Facility Committee updated on their progress. Ms. Rollins asked whether the SAGE group was considering the lack of funds to remodel facilities. Mr. Bonn explained to paint the handrail, the walls and the floor contrasting colors, rearranging the furniture and allowing the resident to have pets were inexpensive ways to change the environment. He also explained that Mr. Green was also on a fixed budget, but found that with the new design they needed fewer staff and had lower operating costs.

8. **Assisted Living Rule:**

Mr. Hoffman stated that this rule had been filed and the comment period closed. The effective date will be March 30, 2001. The Bureau has scheduled training sites statewide and each of the Assisted Living facilities will be invited to attend. The facilities will be inspected to the new rules after the training has been completed. The facilities will be sent a copy of the rules and the interpretive survey guidelines. The Assisted Living rule draft will not be available on the web site until it becomes effective. Chad McNiven, Long Term Care Ombudsman, commented that the definition “secured unit” is not in the Assisted Living rule and that the effective date rule should not be held until the definition can be discussed. Ms. Rollins suggested that the Assisted Living sub-committee could be re-convened to define the “secured unit” definition and add the definition as an amendment to the rule. Mr. Bigler made the motion. Kathleen Fitzgerald seconded the motion. The **MOTION PASSED** unanimously.

9. **Chronic Non Compliance:**

Ms. Fitzgerald explained that the first sub-committee meeting will be held on March 7, 2001 and that Larry Naylor will be the staff support representing the Bureau.

10. **Adverse Licensing Sanctions:**

Pennie Knudson reported on the Northern Region. Joel Hoffman reported on the Central Region and the Southern Region. (See attached sheets)

11. **Minutes of November 17, 2000:**

Mr. Bigler made a motion to approve the minutes with no amendments or changes. Mr. Thomas seconded the motion. The **MOTION PASSED** unanimously.

Helen Rollins, Acting Chairperson

Debra Wynkoop, Executive Secretary